HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (C) NO. 3015 of 2007

Petitioner Applicant	Rajesh Kumar Jain S/o. Late Rajkumar Jain, Aged about-38 years, Occupation-Proprietor of Arihant Autoparts R/o. Quarter No. 241, Janta Quarter Nandnagar, Indore, Tahsil and Distt.-Indore (M.P.)
	Versus
Respondents Non-applicants	1. Smt. Sandhya Jain W/o. Rajesh Kumar Jain, Aged about-35 years, Housewife, 2. Akshay Jain S/o. Rajesh Kumar Jain, Aged about 10 years, Minor Guardian through-mother Smt. Sandhya Jain Both 1 & 2 are R/o.-C/o. Shri B. Anmet, Qutr. No. D/03 of the Municipal Corporation Quarter, Shikshak Nagar, Durg, P.S.-Durg, Tahsil-Durg, Distt. Durg (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

Single Bench :- Hon'ble Shri Justice **Satish K. Agnihotri**

Present :- Mr. C.R. Sahu, Advocate for the Petitioner.

ORDER
(Passed on this 11th day of May, 2007)

1. The petitioner is the husband of the respondent No. 1 and the father of the respondent No. 2, a minor child. The respondents/non-applicants No. 1 and 2 filed an application under Section 125 of the Code of Criminal Procedure, 1973, being M.J.C. No. 40/07, before the Third Additional Principal, Family Court, Durg. The Third Additional Principal, Family Court, Durg, in the pending case, granted Rs. 1,000/- per month to the wife (respondent No. 1) and Rs. 500/- per month to the minor child (respondent No. 2) as maintenance.

25

2. Being aggrieved, the petitioner has filed this petition impugning the said order on the ground that the total earning of the petitioner is Rs. 2000/-. The court below, after having considered all the aspects that as a minor child is living with mother (respondent No. 1) and the petitioner has capacity to earn more amount, has granted the above stated amount.

3. There is no infirmity, irregularity or illegality in the impugned order. Thus, this petition filed under Article 227 of the Constitution of India is rejected on the ground that the impugned order is just, proper and does not warrant any interference.

4. As a result, this petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

B/